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AUTHOR Kelly, Philip P.
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ABSTRACT

This study investigated how teachers and their unions reconciled the competing criteria of legitimacy to which they were held accountable (unionism and professionalism), comparatively analyzing peer review-based teacher education programs/policies and the districts and unions supporting them. Researchers examined documentary artifacts for programs nationwide and conducted site visits and interviews in four districts. Interviews involved superintendents' office representatives, union presidents, school board members, peer evaluators, and evaluated teachers. Group interviews were conducted with teachers. Results indicated that teacher peer review programs offered unions an avenue for successfully reconciling the competing criteria for legitimacy, though implementation of peer review programs did not guarantee successful reconciliation. While there were strong supporters of peer review in each district, strong critics were not as evenly distributed. The strongest opposition to peer review within teachers unions occurred at state and national levels. All four programs contributed to the betterment of overall teacher quality, though these contributions were not sufficient to meet the professional criterion for quality. To do so, unions needed to take collective responsibility for self-regulated quality control of their members. Three of the teachers' unions accepted the requisite responsibility, with varying levels of effectiveness and program quality. (Contains 45 references.) (SM)

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Making Space Between a Rock and a Hard Place: Teachers' Efforts at Reconciling Competing Criteria for Legitimacy

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Philip P. Kelly
250 F Erickson Hall
Michigan State University
East Lansing, MI 48824-1034
kellyphi@pilot.msu.edu
(517) 545-3248

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American teachers' unions are currently experiencing a crisis of legitimacy. The most prominent indicator of the state of crisis to which teachers' unions have fallen was the nomination acceptance speech of Robert Dole, 1996 Republican presidential candidate (8/14/96). In his speech, Dole directly challenged, (some say "attacked", American Teacher 10/96, p. 6) teachers' unions as impediments to public education.

> *I say this not to the teachers, but to their unions: If education were a war, you would be losing it. If it were a business, you would be driving it into bankruptcy. If it were a patient, it would be dying.*
>
> *To the teachers unions I say, when I am president, I will disregard your political power, for the sake of your children, the schools and the nation. I plan to enrich your vocabulary with those words you fear - school choice, competition, and opportunity scholarships - so that you will join the rest of us in accountability, while others compete with you for the privilege of giving our children a real education.* (http://www.usatoday.com/elect/ec/ecr/ecr126.htm)

Because of their traditionally impressive political strength, it was indeed the rare occasion when a political candidate would risk alienating a tremendous number of active voters, teachers, by attacking their unions (Berube, 1988). By directly challenging them, Dole's speech highlighted the weakened state of teachers' unions, and the current crisis of legitimacy in which they find themselves. While blaming teachers' unions for the ills of public education is by no means a new phenomenon, the strength of the attack has accelerated over the past decade and may be the impetus behind some changes in union positions on some issues such as teacher quality.

This legitimacy crisis is indicative of institutions facing eminent paradigmatic collapse. The same institutional pressures and environmental conditions that were present during the collapse of the industrial paradigm within industry are now contributing to a paradigmatic evolution of American public education. So fitting is this analogy, that delegates from both the American Federation of Teachers and the National Education Association have turned to leaders of the Saturn plant in Springhill, Tennessee for insight in organizational and institutional change within a unionized workforce. As American corporations faced increasing foreign competition, public schools today face increasing competition from charter schools, vouchers, and schools of choice. As industries down-sized, in education, the push for smaller schools continues. Finally, as American businesses lost the confidence of consumers, public confidence in public schools has sunken to the point that many consider public schools to be "illegitimate," neither responsive to public demands, nor accountable for educational achievement (Mathews 1997). These conditions have created a *crisis of legitimacy* for all of public education.

One possible response to the increasing demands for accountability is improved teacher supervision through peer review programs. Although still rare, teacher peer review is not a new phenomenon. Since 1981 the Toledo (Ohio) Federation of Teachers through their Intern-Intervention Program have evaluated all teachers new to Toledo Public Schools, as well as those veteran teachers deemed to be seriously deficient. Initially (and to a large part, still) very unpopular among unionists, the idea of peer review -- taking responsibility for the quality of practice among teachers -- has recently been elevated to national prominence (Chase, 1997; Kerchner, Koppich & Weeres, 1997; National Commission on Teaching and America's Future,

1996). The report of the National Commission on Teaching and America's Future (1996) and the recent policy reversal of the National Education Association (1997) both advocate the implementation of teacher peer review as a means of improving teaching by acting as a gate-keeping mechanism for new teachers as well as assisting experienced teachers whose performance is deemed unsatisfactory.

This study attempts to determine how teachers and their unions reconcile the *competing criteria of legitimacy* to which they are held accountable -- unionism and professionalism, both theoretically and practically. The fundamental tenets of unionism require that teachers' unions protect their members' jobs and put great emphasis on solidarity and confrontational relationships with administration. Professionalism demands of teachers that they focus on the needs of their clients, and toward that focus, they maintain standards of quality practice which may mean removing substandard practioners from the occupation. Teacher peer review was chosen as a focus for this study specifically because, where successful, it captures the quintessential conflict between unionism and professionalism. Furthermore, it offers an interesting challenge to traditional conceptions of the public school environment as weakly technical, loosely coupled, and institutionally bound (Meyer and Rowan, 1977; Weick, 1976). Institutional scholars have been slow to analyze the turbulent organizational environment of public schooling as one of ever-increasing technical demands.

Methodology

To examine this phenomenon, a multi-site case study was conducted to construct a comparative analysis of peer review-based teacher evaluation programs/policies as well as the districts and unions which support them. The methodology employed included analysis of documentary artifacts for all such programs in the nation located by the author as well as site visits and numerous in-depth interviews in four representative districts. This particular approach met with past success when similar topics were explored by Johnson (1984) in her study of the effects of teachers' unions upon schools, and by Cohen and Murnane (1985) in their mid-eighties studies involving districts in which merit pay plans had actually survived.

The school districts in this study were chosen according to the following criteria; age of program, programmatic features, national union affiliation, geographic location. The four districts upon which this study focuses include 2 NEA-affiliates and 2 AFT-affiliates and are located in four urban areas across the country with one each in the west and east, and two in the mid-west. The four unions represent between 2500 and 4800 teachers each, with a total representation of approximately 12,700 teachers.

The interview portion of data collection was comprised of interviews at each site including a representative of the superintendent's office, the union president, a school board member, a peer evaluator, and an evaluated teacher. In addition to individual interviews, group interviews were conducted with teachers at each major level of schooling, elementary, middle, and high school. All interviews were both in-depth and semi-structured to facilitate comparison across interviews through a selection of common questions, as well as allowing for idiosyncratic data to be gathered through probing and allowing respondents to identify issues/occurrences which they deem relevant. The interviews involved 79 respondents, ranged in length from 30 minutes to 2.5 hours, and occurred between December 1996 and May 1997.

Theoretical Framework

Neoinstitutionalism is useful when examining the phenomenon of fundamental organizational change within teachers' unions, of which engagement in peer review is indicative. Within this section, organizational analysis of public education and public schools within neoinstitutionalism is examined by focusing upon the seminal works of Meyer, Rowan, and Scott (Meyer and Rowan, 1977; Scott 1995; Scott and Meyer, 1983, 1991). Although Meyer and Rowan's work was a watershed for organizational analysis and institutionalism, I will argue that their characterization of the environment of public schools as strongly institutional and weakly technical is no longer accurately descriptive. Under ever-increasing demands for technical productivity, the institutional norms of public education are presently evolving. No longer will the maintenance of the symbolic structures as described by Meyer and Rowan (1977) retain the institutional legitimacy of public schools within a society emphasizing accountability for high levels of technical production from organizations.

Some may question the use of an institutional theoretical framework to examine organizational change, given its historical bias toward constancy or inertia in institutions. The appropriateness of the application of neoinstitutionalism to the study of change will be made clear through a more dynamic characterization of neoinstitutionalism than has been offered to date. It is this author's opinion that the significance of organizational legitimacy within the larger social environment has been long underestimated or neglected by other institutional theorists. Indeed, it appears that many critics who have characterized institutionalism as deterministic fail to recognize Rowan's (1982) important reminder that "institutionalized beliefs and regulations ... need not remain stable" (p. 261). This study will provide evidence to support this more dynamic version of neoinstitutionalism by examining one facet of change occuring within some local school districts, teacher peer review.

Institutionalism

Institutionalism, when reduced to its most fundamental basis, simply incorporates the belief that when examining human actions, history and the social environment matter. Within the social sciences, institutionalism arose in response to the ultra-rational "economic man" whose decisions, according to classical economic theory are based solely upon economic maximization criteria, independent of time and environment (Hollis, 1975). Early institutionalists (see for example, Durkheim, 1901; Veblen, 1919; or Weber, 1924) argued that "individuals do not mechanically respond to stimuli (as the economic man does); they first interpret them and then shape their response" (Scott, 1995, p. 11). Furthermore, researchers and analysts cannot expect to "understand social behavior without taking into account the meanings that mediate social action" (Scott, 1995, p. 11).

From dissatisfaction with ahistorical economic analyses, the analytical lens of institutionalism was developed within economics, political science, and sociology. Keohane (1988) notes that some social science researchers came to recognize that

> institutions do not merely reflect the preferences and power of the units constituting them; the institutions themselves shape those preferences and that power. (p. 382)

For these researchers, it became imperative that social and organizational analyses hold central the effect of the environment on the decisions of both individuals and organizations. As institutional theory continued to evolve, it broadened the scope of environmental factors affecting actors and organizations to include non-local factors, such as societal norms or the *zeitgeist*. In this way, "environments ... are more subtle in their influence" by "creating the lenses through which actors view the world and the very categories of structure, action and thought" (Powell & DiMaggio, 1991, p. 13). Cibulka (1996) notes that a strength of neoinstitutional theory is that

> it can focus on the interpenetration of organizations and their environments, and how strategies for controlling those environments must shift to accommodate the environmental changes. As will be seen, it is this problem which is, in my view, at the heart of the *current crisis of legitimacy* for public schools. (emphasis added, p. 10)

There exists many definitions of the term *institution* from between and among the various social sciences. All of the definitions, however, rely upon the notions of rules or constraints. This is important. Institutions, as presented in the broader sociological and organizational literatures, are usually portrayed as setting limits upon actors' actions and thoughts. In Institutions and Organizations (1995), Scott attempts to synthesize the various definitions of *institution* into one, all encompassing, definition:

> *institutions consist of cognitive, normative, and regulative structures and activities that provide stability and meaning to social behavior. Institutions are transported by various carriers - cultures, structures, and routines - and they operate at multiple levels of jurisdiction.* (original emphasis, p. 33)

In this definition, Scott attempts to highlight the often interwoven nature of the various factors which affect the establishment and maintenance of institutions over time.

A common measure of the strength of institutions often referred to is their "taken-for-grantedness" (Powell, 1991). Because institutions often exist in the form of informal rules, or more's, they both confine, and enable, actions and thoughts within the general notion of "the way things ought to be." When actors or organizations violate the "way things should be" criterion, sanctions are imposed upon the violators (North, 1990). The strength of sanctions for violating institutional constraints can cause organizations to continue to adhere to their norms even though they may be "suboptimal" and "serve no one's interests" (Akerlof, 1976; Zucker, 1986). Institutional scholars (Ginsberg, 1996; North, 1990; Powell, 1991) refer to this phenomenon as "path dependence" in which "initial choices preclude future options, including those that would have been more effective in the long run" (Powell, 1991, p. 192). North (1990) explains,

> Once a development path is set on a particular course, the network externalities, the learning process of organizations, and the historically derived subjective modeling of the issues reinforce the course. (p. 99)

This observation is supported by empirical work such as Stinchcombe's (1965) analysis of organizational founding processes, in which he argued that the basic structural features of organizations "vary systematically by time of founding and remain fairly constant over time" (in Powell, 1991, p. 192).

The Three Pillars of Institutions

Scott (1991, 1995) provides a useful synthesis of the various institutional factors by highlighting the differing emphases used by institutional scholars of organizational analysis which he terms "the three pillars of institutions." Scott groups these emphases into three general categories: regulative, normative and cognitive. The table below displays some of the facets along which the pillars differ.

Table 1
Varying Emphases: Three Pillars of Institutions

	Regulative	*Normative*	*Cognitive*
Basis of compliance	Expedience	Social obligation	Taken for granted
Mechanisms	Coercive	Normative	Mimetic
Logic	Instrumentality	Appropriateness	Orthodoxy
Indicators	Rules, laws, sanctions	Certification, accreditation	Prevalence, isomorphism
Basis of legitimacy	Legally sanctioned	Morally governed	Culturally supported, conceptually correct

(Scott, 1995, p. 35)

For labor unions within the United States, including teachers' unions, the regulative pillar of unionism lies within the voluminous federal and state labor laws as well as the bylaws, contracts, and procedures by which unions operate. The regulative laws and policies under which teachers' unions operate greatly constrain their range of actions on a variety of issues, including teacher evaluation and cooperative ventures with district administrators. Although constraining in nature, mechanisms belonging to the regulative pillar, because of the reliance on formal rules and laws, are the most easily altered. Mechanisms supporting the normative and cognitive pillars of institutions are much more amorphous and thus less amenable to direct action and change.

Normative mechanisms contribute to the dilemma in which reform-minded unions find themselves through both institutions in question -- professionalism and unionism. The professional ideals of service to clients and of quality assurances greatly facilitate teachers' unions' abilities to pursue programs such as peer review. On the other hand, normative ideals of unionism, such as solidarity and the inherent separateness of supervisors and workers, act to inhibit the adaptation of peer review. Thus, actions taken by a union are dependent to a great extent upon which ideal of *the way things should be* is most prevalent within an organization.

Furthermore for organizations such as unions, the constructed identity upon which the cognitive pillar rests includes certain definitions or interpretations of their environment and the organizations/actors with which they have interactions. These interpretations become routinized

over time and become institutionalized as part of the identity of the organizations. In other words, they develop an inherent and self-perpetuating nature, as they become characterized as "the way things are" or "the way we do things here" (Johnson, 1984, pp. 85, 110) Within this study, the cognitive pillar is very important for it aptly describes the way in which traditional unionists think of teacher evaluation as "something we just don't do." Cibulka (1996) commenting on the effects of the cognitive limitations resulting from institutional constraints, writes

> institutionalization of schools has proven to be a destabilizing force at the present moment of environmental turbulence, robbing school officials of their capacity to *perceive* their options clearly. (original emphasis, p. 20)

As a result, the cognitive institutional constraints within the American conception of unionism act as an impediment to even the consideration of peer review-based teacher evaluation programs.

Organizational Analysis within Neoinstitutionalism

Meyer and Rowan (1977) in their seminal piece, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," provided a watershed for organizational analysts by highlighting the decoupled nature of technical production and organizational structure. In their article, the authors wrote that "many elements of formal structure are highly institutionalized and function as myths," meaning that the long-held notion of bureaucratic efficiency as a driving force for organizational structure is mediated by institutional norms or "myths" (1977, p. 342). Furthermore, Meyer and Rowan highlighted the importance of institutional environments on organizations writing,

> Isomorphism with environmental institutions has some crucial consequences for organizations: (a) they incorporate elements which are legitimated externally, rather than in terms of efficiency; (b) they employ external or ceremonial assessment criteria to define the value of structural elements; and (c) dependence on externally fixed institutions reduces turbulence and maintains stability. (1977, p. 348-349)

When addressing public education and public schools, Meyer and Rowan (1977) observed that schools as organizations "use variable, ambiguous technologies (pedagogies) to produce outputs (student learning) that are difficult to appraise" (p. 354). Baldridge and Burnham (1975) concluded much the same when they observed that

> Educational innovations tend to have high levels of technical uncertainty and, as a result, can seldom be justified on the basis of solid technical evidence. Instead, educational innovations tend to gain legitimacy and acceptance of the basis of social evaluations, such as the endorsement of legislatures or professional agencies. School systems are highly sensitive to these social evaluations and tend to become isomorphic with them. (in Rowan, 1982, p. 260)

Although accurate at the time, now more than two decades past, Meyer and Rowan's characterizations are no longer accurate. Instead of being evaluated by the "criteria of certification," public education and public schools are increasingly being evaluated according to strictly technical criteria including achievement in student learning. Given the rise in prominence of standardized testing, "high-stakes" testing, and general calls for accountability, schools cannot retain their organizational legitimacy without directly addressing their more technical facets of organizational behavior. This shift in the organizational environment is bringing tremendous pressure to bear on public schools to shift their focus from primarily an institutional one to a more technical focus.

Scott and Meyer (1983, 1991) offer assistance in understanding environmental effects on organizations by further refining the work of Meyer and Rowan through more sophisticated analysis of the institutional environments which they call "societal sector." A "societal sector," according to Scott and Meyer (1983, 1991) is "defined as (1) a collection of organizations operating in the same domain... (2) together with those organizations that critically influence the performance of focal organizations" (1991, p. 117). Scott and Meyer identify two types of organizational environments within societal sectors;

> *Technical* environments are, by definition, those in which a product or service is produced and exchanged in a market such that organizations are rewarded for effective and efficient control of their production system.
>
> *Institutional* environments are, by definition, those characterized by the elaboration of rules and requirements to which individual organizations must conform if they are to receive support and legitimacy. (original emphasis, 1991, p. 123)

Schools (and teachers' unions) operate within a strongly institutional environment which relies heavily on conforming to the institutional norms of the sector (Meyer and Rowan, 1977). This emphasis on conforming to traditional norms poses a considerable barrier to significant organizational change through two different mechanisms. First, because of the heavy reliance on norms developed over time path dependence develops through repeated patterns of interaction. Once an organization develops an operational structure and organizational procedures, it is very difficult to diverge from that initial path.

Further facilitating the perpetuation of path dependence are the interorganizational connections formed through routine interactions. Of this Powell (1991) comments,

> Common procedures that facilitate interorganizational communication may be maintained, even in the face of considerable evidence that they are suboptimal, because the benefits associated with familiarity may easily outweigh the gains associated with flexibility. Altering institutional rules always involves high switching costs, thus a host of political, financial, and cognitive considerations mitigate against making such changes. (p. 192)

Within the context of teachers' unions, interorganizational connections through routine exchanges are very significant. As Kerchner and Mitchell (1988) highlight in The Changing Idea

of a Teachers' Union, district administrators and union leaders, because of their frequent interactions tend to "accommodate" one another through the establishment of routines through various problem solving activities. So even though a given institutional relationship may be suboptimal, as Powell notes above, the costs of changing "the way things are done" between unions and administrations are very high and embody a significant impediment to reform.

The second impediment to significant organizational change within an institutional environment with heavy reliance on norms is strong pressure for organizations to be isomorphic. In their seminal piece, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields," DiMaggio and Powell (1983), identify three mechanisms facilitating institutional isomorphism. They are

> (1) *coercive* isomorphism that stems from political influence and the problem of legitimacy;
> (2) *mimetic* isomorphism resulting from standard responses to uncertainty;
> (3) *normative* isomorphism, associated with professionalization. (p. 150-154)

Historically, for teachers' unions, the mechanisms exerting the greatest influence on organizational development have been coercive and mimetic. Mimetic forces arising from the inherently uncertain act of establishing new organizations during the 1960s and 1970s, led early local teachers' unions, as collective bargaining agents for large numbers of teachers, to look to the highly successful manufacturing industrial labor unions as a viable organizational model. Furthermore, the isomorphic pressures due to uncertainty were facilitated by coercive elements such as federal and state labor statutes restricting both the activities and membership of unions.

As fledgling organizations within the societal sector of labor relations and union activism, teachers' unions also experienced, and presently experience, pressure to conform to norms of the traditional union sector. While interviewing the executive director of the Marine City Education Association (MCEA), he reported that the MCEA's venture into peer review-based teacher evaluation as a means for accepting some responsibility for the quality of education within Marine City schools has engendered animosity from other industrial unions in the area.

> We've got the business community saying, "Wow," because at (Acme Aerospace) the machinists' union doesn't take any responsibility for the quality of the work. This is our biggest employer saying, "My God, there's a union that's willing to do this!" And so, I've had nasty calls from machinists!

Recently, however, the pressures being exerted on teachers' unions as organizations are evolving and changing in a manner which, at present time, is increasing the strength of the technical demands and expectations of the public school system and teachers. Within the strongly institutional environment of public education, the growing technical pressures are often generating turmoil as they conflict with deeply held institutional beliefs and procedures.

Findings

Peer Review as Quality Control

When considering if the teachers' unions studied are actually upholding professional criteria for legitimacy, one must examine the effects of their peer review programs upon the quality of the teachers within the district. From the interview data and the documented rates at which interns and intervention cases are nonrenewed, it appears that consulting teachers are indeed upholding a higher standard of professional practice than did principals who failed to dismiss as many teachers per year due to poor performance. The table below exhibits the rates at which both interns and intervention cases are not successful.

Table 5

Districts	Fowlerton	Hayesville	Marine City	Redland
% of Total Staff through Program	50%	60 %	25 %	33%
% Interns not Successful	7 to 8 %	5 to 7 %	5 %	7 to 8 %
% of Interventions not Successful	69 %	59 %	50 %	10 %

Unfortunately, specific numbers of teachers nonrenewed on an annual basis prior to program implementation were not available in any of the districts visited.[1] On a general level, the vast majority of interview respondents reported that consulting teachers were more demanding evaluators than their administrative predecessors.

This is not to say, however, that there were no criticisms or concerns expressed about the peer review programs effectiveness as quality control mechanisms. Interestingly, when analyzing responses relevant to issues of peer review as a mechanism for quality control, an unanticipated division among the four districts arose. While strong supporters for the peer review programs were found in each district, strong critics were not as evenly distributed. To most effectively relate the differences between the districts, each district will be described separately.

Hayesville (NEA)

The peer review program in Hayesville is based upon the premise that "good teaching is good teaching" (Boss, HEA president). Thus program leaders did not emphasize the assignment of consulting teachers by subject matter concentration to the program participants. The resulting mismatch of subject matter between participant and consulting teacher was the most commonly mentioned factor by all teachers interviewed, whether consulting teachers, interns, former intervention participants, or normal classroom teachers. It was universally condemned by all teachers interviewed. When told of the overwhelming dissatisfaction with the common mismatches, the president of HEA responded that due to the very late and unpredictable nature of the district's hiring practices, the program coordinators cannot adequately effectively match program participants according to subject matter. Boss explains

> ...looking at it from our view of the panel, I can understand people out there feel much more concerned because they want to have somebody who's

[1] For comparison of the numbers of teachers nonrenewed through peer review programs with the numbers nonrenewed previous to program implementation, district personnel directors and union presidents were asked to compare the rates of dismissal from memory.

> dealing with the same material that they're dealing with. But you see, we don't find that much of an issue tied in with their knowledge of their material. The only time we find that is when somebody has been completely misplaced in an area. Over 90 to 95% of the problems deal with management issues and developing things in the classroom and that crosses all of the areas.

Furthermore, several Hayesville respondents made negative comments statements regarding the rigor of the summative decisions. Of these comments, the observation most often made regarded the recidivism of interns who had successfully completed their internships. In a number of instances, interns who had successfully exited the program were later recommended for intervention as being seriously deficient. In a few cases, the necessary recommendations for intervention could not be made because the teacher had not been on staff the minimum of five years to be placed in intervention. Classroom teachers interviewed at all school levels reported instances similar to that below,

> That individual was able to ... play the game, be different when the (consulting teacher) was observing them. Yeah, the teaching changed. You didn't hear the degrading marks that you heard all the time from her when her (consulting teacher) was observing. (Elementary Teacher, Hayesville)

> ...the end result was the teacher is still teaching or was teaching and I wasn't so sure that anything had changed. The behavior of the class was still the same. The lack of instruction that was taking place was still very low. It was easy for the teacher to prepare for the day the (consulting teacher) coming in. It's almost like if they're on intervention, that (consulting teacher) needs to be there every day. For a long period of time to see what long term is happening. (High School Teacher, Hayesville)

Others blamed the recidivism of interns on principals' unwillingness to agree with recommendations for nonrenewal or intervention. Two reasons were given by informants for principals' reluctance, high principal turnover constantly started the administrative evaluation over again, and discomfort of the principal to recommend based on an inadequate number of observations.

The significance of the conditions described above becomes readily apparent when one considers the observation of Gerri Jackson, Hayesville Director of Human Resources. Although she is a strong critic of the recidivism and apparent lack of high performance standards, Jackson still remarks

> I think that in terms of the outcome, *a peer teacher is more likely to make the tough call*. I have found that in both districts that the principals were a little bit more hesitant to make the difficult call and to basically terminate a person.[2] (emphasis added)

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[2] Ms. Jackson worked in two districts, both of which had summative peer evaluation of teachers.

Even though several informants mentioned a lack of rigor within Hayesville's program, it was still generally reported that consultant teachers were more rigorous evaluators than principals. The belief that consulting teachers would be more likely to recommend dismissal of a fellow teacher than a principal was reported in every district, except Marine City.

Marine City (NEA)

The Marine City Education Association designed their peer review program to be completely disconnected from formal summative evaluation procedures. Thus, the MCEA program does not officially contribute to the possible dismissal of a teacher. This factor has resulted in the questioning of the program's continued existence. Rather than a consulting teacher's negative evaluation leading directly toward dismissal proceedings, in Marine City, the negative exit is merely noted in the teacher's personnel file. The impetus to place a teacher on probation and document the teacher's deficiencies is solely the responsibility of the building administrator. If that administrator does not take action, the teacher remains in the classroom with children, teaching poorly. MCEA President, Tuckey when commenting on this phenomenon, places the responsibility for removing substandard teachers squarely upon the shoulders of school principals.

> ...several teachers (whom) we have unsuccessfully exited from the program, they are still teaching in school. The principals have not bothered to take the time to put them on probation. *We know that they are still doing a lousy job* but the principal hasn't taken up the job to do that. *It's still the responsibility of the principal* to do that. In fact, in two cases, the principal had been on the panel and he still hasn't done his job. (emphasis added, MCEA President, Marine City)

Tuckey's statement indicates the strength of the cognitive constraints within which members of highly institutional organizations view their world. Even while pursuing a program geared toward teacher professionalization, the union president in Marine City is unable to see the contradictory nature of her organization's position. Because of the MCEA's refusal to "police their own," they clearly fail to uphold the professional criterion for legitimacy of quality control.

However, if the principal does move to dismiss the teacher following participation in Marine City's peer review program, according the former Director of Human Resources, Aurelio Rodriguez, the fact that the teacher had been through the peer review process contributes greatly to the arbitration hearing process.

> We had much better success in those hearings with the documentation that we developed as a result of the (peer review) program. I don't think we've lost a (peer review)-based non-renewal yet ... because people see the documentation and all the help they've been given. So that clears up one major hurdle for the hearing examiner -- "Has this person been given enough help to overcome their deficiencies?" And when they see how many visits in the log, they usually (have) no sympathy for them, or very little anyway.

Therefore, even though the peer review program and the process for dismissal are kept separate officially, the district still reaps the benefit of the consulting teachers' work in mentoring and evaluating teacher performance. However, these benefits do not accrue to the MCEA, who through their insistence on separation have apparently chosen to place protection of all members, a criterion for union legitimacy above the professional criterion for legitimacy, quality control. Because of the increasing emphasis within the public arena on issues of accountability within education, the MCEA's actions will only further delegitimate their organization in the community.

Fowlerton (AFT)

Over the 15 years of its existence, the Fowlerton peer review program has managed to maintain a level of respect and credibility among both union supporters and district administrators. The complaints of recidivism and inappropriate union protection which were raised in Marine City and Hayesville are not present in Fowlerton. Throughout the district, regardless of position, people consistently reported that the consulting teachers were tougher evaluators than the principals. Director of Human Resources for Fowlerton, Robert Locke, notes

> Teacher consultants--their colleagues--are harder on the interns than the principals were. Normally in the past what you would find is that principals have a tendency to give more "outstanding" ratings. ...But you're going to find that teachers are harder on their colleagues than are building administrators and incidentally, not afraid to make recommendations regarding dismissals.

Regarding recidivism of interns, Fowlerton has only had two interns recommended for intervention years later. When one considers that slightly over half of the teachers in Fowlerton (approx. 1300) were inducted through the intern program, the lack of recidivism is impressive.

The merit of Fowlerton's program was recently validated through an unusual and unfortunate turn of events. Due to labor relations problems arising between the teachers' union, the principals' union and district officials, the Fowlerton peer review program was canceled for an entire school year. During this time, school administrators resumed evaluation of the teaching staff. As a result of their evaluations, not a single teacher -- either novice or veteran -- was dismissed. Ironically through its absence, compelling evidence arises that the Fowlerton peer review program is fulfilling the criterion of quality required by professionalism and public calls for accountability. The fact that the Fowlerton Federation of Teachers canceled the program however, raises valid questions about the teachers' union *internalization* of quality control as a legitimate union function.[3] This only further highlights the often contradictory nature of the competing criteria for legitimacy in which unions find themselves.

Redland (AFT)

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[3] The FFT president rejects the characterization of his treatment of the peer review program as representing any lack of internalization. Instead, Miller explains his actions by stating that the labor-management atmosphere of the FowlertonPublic Schools had become so contaminated that the FFT was ending all activities requiring collaboration with the district administration. Thus, the teacher peer review program was a victim of this more far-reaching action.

Like Fowlerton, Redland has also been able to maintain a peer review program which is consistently regarded as credible and effective. The Redland program has never had a case of recidivism, nor would they support the placement of a former intern back into intervention. When asked about recidivism, the coordinator of Redland's program stated that the joint governing panel would rather recommend termination than allow someone to go through the program twice.

As in the other cities, the vast majority of people indicated that consulting teachers were much more demanding evaluators than building principals. Both union and district officials repeatedly made reference to the poor quality of administrative evaluations, when talking about the strength of their peer-based evaluations. Director of Human Resources, Aurelio Rodriguez, highlights the relative weakness of administrative evaluations, saying

> An administrator is required to do a minimum of three observations and a final evaluation on all new teachers. Over the last several years, an analysis from the department of human resources showed that somewhere between 40 and 60%... of new teachers were not getting their full complement of three observations and one evaluation. So they weren't even getting that full contractual observation or evaluation and ... those are the minimum. That's probably the most you're going to get.

The program leaders' commitment to maintaining the integrity of program through monitoring consulting teachers, having small caseloads per consultant, forbidding recidivism, and releasing consulting teachers for only half of their teaching load has worked to produce an exemplary program which successfully mentors and evaluates teachers.

Professional Legitimacy

Reviewing the programmatic features and quality control indicators in each district, I conclude that all four programs studied are contributing to the betterment of the overall quality of teachers in their respective districts. Although admirable, these contributions are necessary *but not sufficient* to meet the professional criterion for quality. To do so, the unions, as professional organizations, must take/accept collective responsibility for self-regulated quality control of their members. From the data gathered for this study, it is apparent that the teachers' unions of Hayesville, Fowlerton, and Redland, accept the necessary responsibility. The Marine City Education Association, however, refuses to accept responsibility for such self-regulation of quality among their members and so does not meet the professional criteria for legitimacy. Thus, the MCEA is professionally illegitimate.

Of the three teachers' unions accepting the requisite responsibility, as indicated earlier, there are varying levels of effectiveness and programmatic quality. Because of the manner in which consulting teachers are assigned by subject matter specialty and lack of recidivism, the programs in Fowlerton and Redland are superior to Hayesville's program. The program developed in Hayesville, although reportedly more demanding than principal evaluation, does appear to be fundamentally flawed. The HEA program seems to operate in ignorance of the research supporting the great importance of a deep knowledge of one's subject matter, and of

subject-specific pedagogy.[4] This fact alone does not alter the judgment that HEA accepts responsibility for quality among its members. One can unequivocally determine that the HEA does because their consulting teachers do actively contribute to the dismissal of substandard teachers from their ranks -- an action taboo to traditional labor unions. However, the HEA engages in professional unionism *poorly* by not making use of readily available pedagogical research or their member's complaints regarding curricular mismatches between consulting teachers and program participants. When I last spoke with the president of the HEA, he reported that the peer review program's governing panel would be taking this issue under advisement.

Redland's unique programmatic structure of releasing consultant teachers for a maximum of half-time, allows a smaller caseload ratio. This facet of their design works to the benefit of program participants by allowing a much closer working arrangement than in any of the other distrits. It also allows more closely matched assignment of consulting teachers according to subject matter to be made. While beneficial for program participants, it may not be most beneficial for elementary students however. Although no data was gathered from students or parents during this study, it seems that splitting an elementary classroom between two consulting teachers, each with a half-time assignment may be problematic for the students. Further study in Redland on the effects of splitting elementary instruction in this way should be conducted.

Union Legitimacy

When answering the question of whether the unions studied uphold the criteria of legitimacy as a union, one must first focus upon the traditional concerns of unions -- wages, working conditions, due process, and job security. In all four districts, the unions were reported to be strong negotiators with district officials. In no district were accusations of "selling out to management" made by even the most critical of informants. In fact, a history of adversarial, sometimes contentious, bargaining was present in each district. Although district-union cooperation through peer review programs did lead to other cooperative ventures occasionally within the districts, as Miller, president of the Fowlerton Federation of Teachers explains,

> It (cooperating in the peer review program) does not make the difficult parts of bargaining any easier. It does help with the stuff where there is a mutual determination to resolve problems. But the tough stuff is still tough.

Tough issues in collective bargaining will always arise. The districts and unions studied here are no different. To illustrate, Hayesville, Fowlerton, and Marine City all experienced labor relations strife during the last two years to the point of considering striking against the district. In each instance, however, the peer review program was able to survive the tough times due to a generally accepted utility.

Regarding the issues of job security and due process protections for members, all four districts successfully met these criteria -- but not as traditional industrial unions may meet them. The teachers' unions examined all continued to support grievances filed by members and closely monitored working conditions for adherence to contract regulations. Teachers' jobs, however, are not reflexively protected without concern for the quality of the teachers' job performance. Instead, the peer review programs function as exemplars of due process. For those teachers recommended into intervention, by definition, they have been identified as substantially

[4] See for example, Ball (1991), Wineburg & Wilson (1991), or Lampert (1990).

substandard teachers who, without peer review programs, would be recommended for termination by their building administrator. Instead, they enter an intensive program designed to provide the assistance necessary to improve their job performance to an acceptable level. Only if they fail to do so, then dismissal proceedings may proceed on the basis of incompetence.

Reconciling the Competing Criteria of Legitimacy

Generally speaking, teacher peer review programs do hold promise for successfully reconciling the competing criteria of legitimacy. In Fowlerton, Redland, and to a lesser extent, Hayesville, the competing criteria of professionalism and unionism were successfully reconciled. The unions in each of these three cities were able to take responsibility for the quality of their members, while at the same time remaining tough negotiators over the traditional "bread and butter" concerns of more conservative unionists. The teachers' union of Marine City, because it could not satisfy the professional criterion for legitimacy, failed to achieve the synthesis observed in the other districts.

In the successful districts, the teachers' unions have undergone an institutional and organizational metamorphosis, *without a great deal of internal difficulty or dissension.* The cognitive and normative constraints which institutionalism predicts for organizations attempting fundamental change were not insuperable. Actually, they were far weaker than would be stereotypically predicted for organizations as historically and institutionally bound as teachers' unions, thereby lending credence to the importance of organizational delegitimation as a catalyst for significant change. This is not to say that no internal opposition arose in these districts, or will develop as the National Education Association makes embracing "new unionism" and collective responsibility for the quality of teachers primary issues.

Indeed, dissent was present in each district studied when the concept of teacher peer review was considered, most prominently in Marine City. Recently, very strong opposition among a minority of NEA state and local affiliates quickly developed as the national union charts a new course for teacher unionism. NEA president Bob Chase has been accused by critics of being a "heretic" regarding the institution of unionism (Chase 1997c). State-level affiliates from California, New Jersey and Wisconsin have generated particularly vitriolic opposition. Dennis Testa, president of the New Jersey Education Association, when speaking in opposition to the NEA's acceptance of peer review claimed that he "wanted to continue to be teachers' protector" (quoted in Bradley, 1997, p. 14). Testa's position is indicative of traditional unionist's who view "the union in the role of defender interposed between teachers (the potential victims) and administrators (the evaluators)" (Chase, 1997c, p. 28). Within this conception of teachers and unionism, "teachers remain largely passive -- pawns whose fate is determined by others" (Chase, 1997c, p. 28).

It is against this conception of teachers and their unions that the implementation of peer review specifically, and professional unionism more generally, must compete at various organizational levels of teacher unionism -- local, state and national. It is interesting to note that the strongest opposition to the concept of peer review within teachers' unions does not take place in the local districts which attempt it, but at the state and national level. This may be due to the rather heterogeneous nature of teachers which constitute the collective bargaining units around which local unions form. As the union organization narrows as one moves vertically through the union bureaucratic structure, it may be that a homogenization process occurs (Berube, 1988; Lieberman, 1997). The result of this process may be that union leaders, those leading state level

organizations and those working at the national level, may be more homogenous and more strongly committed to unionism norms and values than the union members who are actively teaching in classrooms.

Organizational Legitimacy

As stated earlier, at its core, neoinstitutionalism is based upon the idea that when examining the actions of individuals or organizations, history and the social environment matter. Any organizational analysis, therefore, must be informed by examination of the frameworks within which an organization and its actors operate. Reviewing the organizational analysis literature, the centrality of legitimacy within the environment as an organizational resource is undeniable. Scott (1995) explains that legitimacy is "a condition reflecting cultural alignment, normative support, or consonance with relevant rules or laws" (p. 45). Rowan (1982) refers to the condition of cultural alignment as "balance" within the institutional environment. Organizations, including teachers' unions, seek to "establish congruence between the social values associated with or implied by their activities and the norms of acceptable behavior in the larger social system of which they are a part" (Dowling & Pfeffer, 1975, p. 122). As Parsons (1960) observed, the establishment of environmental congruence or institutional balance is important "since organizations exist in a superordinate social system and utilize resources which might otherwise be allocated, the utilization of these resources must be accepted as legitimate by the larger social system" (in Dowling & Pfeffer, p. 123). For teachers' unions, representing large numbers of workers employed with public monies, the importance of their organizational legitimacy when advocating for increased salaries becomes clear. As with everything, however, societal norms and values are not immutable and therefore, the criteria upon which organizations are legitimated are also not immutable.

What appears to be occurring presently within teacher unionism, as well as public education, is a redefinition of the criteria for organizational legitimacy within the societal sector of public education. Herein lies the dilemma in which teachers' unions are currently immersed. Because *public* education is *public*, no clear organizational boundaries exist between society and public schooling. Teachers' unions, being actors within the system of public education, are also subject to fuzzy delineations between organization and environment. As several reports and authors have observed the environment in which public education operates is changing drastically (see for example, Fullan, 1991; National Commission on Excellence in Education, 1983; National Commission on Teaching and America's Future, 1996). As a result of changing social norms and values, the level of "environmental balance" upon which organizations can draw support is greatly diminished (Rowan, 1982).[5] The consequences for a highly institutional organization of an "imbalance" in the environment of a societal sector are significant.

Repeatedly, respondents reported that increasing *technical* demands for better teaching, increased student achievement and strengthened accountability systems were motivating factors for unions and districts to consider peer review-based teacher evaluation. The increasingly technical environment in which schools and teachers' unions must currently operate requires the redefinition of the criteria upon which legitimacy is to be granted. Because organizational legitimacy is necessary for survival, the increasing delegitimation of public education and

[5] Balance is defined as the establishment of ideological consensus and harmonious working relations among legislatures, publics, regulatory agencies, and professional associations. (Rowan, 1982, pp. 259-260)

teachers' unions poses a serious organizational threat. As Oliver (1991) observed, within a changing institutional environment, organizations may respond in any of several ways. The teachers' unions studied here chose to respond by modifying their institutionalized norms to better meet the emerging, more technical, criteria for organizational legitimacy within public education. Peer review was their mechanism for change. Whether the implementation of teacher peer review programs and the resultant strengthening of teacher evaluation standards has had a demonstrable effect on the public has yet to be seen however.

Implications for Organizational Analysis

This study indicates that the characterizations of schools as institutional organizations whose legitimacy is based upon adherence to traditions and organizational myths may no longer be as useful as when first conceived. Instead, a new conceptual understanding of public schools needs to emerge which accounts for the increasingly technical environment in which they must operate. No longer can schools neglect the technical demands placed upon them. Maintaining a facade of dedication, effectiveness and caring will no longer provide schools with the legitimacy requisite for public support and ultimately, survival. In an era of increasing technical demands and public scrutiny, failure to produce quality learning for the students will be organizationally devastating.

Institutional critics (DiMaggio, 1988; Perrow, 1985; Powell, 1985) often portray organizations as "relatively passive actors that simply adapt to their institutional environments" (Rowan and Miskel, 1997, p. 22). What DiMaggio and others fail to understand is the power of legitimacy (or the lack thereof) in institutional sectors to pressure organizations to change, or even abandon, previously institutionalized structures and procedures (Dowling & Pfeffer, 1975; Rowan, 1982, Rowan & Miskel, 1997). So important is legitimacy for schools and teachers' unions that Kerchner, Koppich and Weeres (1997) argue

> The most fundamental institutional rule is the grant of legitimacy that society gives to those who work in education. When society has confidence in an institution, it grants freedom and self-governance to those who work in it. ...*When,* as Dunlop writes ([1958] 1993), *the basic grants of legitimacy are withdrawn, none of the rest of the rules have much power*. (emphasis added, p. 33)

As organizations in evolving institutional environments begin to feel the pressure of legitimacy maintenance, they must make a choice. Institutional scholars are beginning to characterize organizations as more proactive in interactions with the broader social environment.

According to this more dynamic view of organizations in institutional environments, organizations act not as simple bobbers tossed passively about in the ebbs and flows of societal norms and values. Instead, organizations make strategic choices when responding to environmental pressures. For teacher's unions, an embrace of teacher peer review is only one of a number of responses to the environment that one might offer. Other unions may respond by avoiding pressure for accountability via lip-service to the ideals of high standards and commitment to children's learning while continuing with standard operating procedures. Others may attempt to redefine pressure for accountability based upon academic standards into accountability for educating the "whole child," which also conveniently evades measurability.

Still others may respond with retrenchment, adhering more strongly to traditional unionism norms and attacking critics as unreasonable, uninformed, or engaging in "union-busting." Clearly then, teachers' unions as organizations are not simply passive recipients of institutional pressures to conform. Neoinstitutionalism, thus can account for organizational change, and incorporating the factor of environmental influence, even predicts organizational change in times of environmental imbalance (Rowan, 1982).

In summary, neoinstitutionalism provides a useful tool toward understanding the actions, or lack thereof, taken by organizations within the societal sector of public education. Institutional theory need not be limited to examinations of organizational inertia and passivity. By more thoroughly incorporating the role of evolving institutional pressures and legitimacy within societal sectors, social science researchers can provide more useful explanations of organizational actions in turbulent, or "unbalanced" environments (Rowan, 1982). Within unbalanced environments, actors continue to perceive their surroundings through the filtering lenses of cognitive, regulative and normative institutional constraints, but they need not be passively reacting. When a state of unbalance arises within an environment, actors and organizations must make choices. What choices are made depend on the interpretations key actors make of their environment. A more dynamic institutional theory may help analysts to identify and explain these interpretations and therefore explain, or even predict, organizational change.

Conclusion

Teacher peer review programs do offer local unions an avenue through which the competing criteria for legitimacy may be reconciled successfully. Implementation of peer review programs in and of itself does not guarantee successful reconciliation, as is so clearly observed in Marine City. When considering design and implementation of such programs it is imperative that efforts are informed by a thorough knowledge of the institutional context in which the various actors involved work. Furthermore, it is important that sufficient attention be paid to the clarity of performance standards and the consistency with which they are applied. Without doing so, teacher peer review programs will fail to reconcile the competing criteria for legitimacy *well*. Hayesville, provides ample evidence of a local union with good intentions at reconciliation, but does so in a manner which is substantially less than optimal. Therefore, while peer review programs may hold much promise for teacher professionalization and professional unionism, they are not panaceas. They must be designed, implemented and operated with great care and in full knowledge that institutional constraints are inherent in major organizational reforms.

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